

JACOB E. BROOKS
Assistant Attorney General
1116 W. Riverside Avenue, Suite 100
Spokane, Washington 99201-1194
(509) 456-3123

THE HONORABLE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

ERIKA HENRY and DANIEL
HENRY, wife and husband, with
two minor children K.H. and B.H.,

Plaintiffs,

vs.

WASHINGTON DEPARTMENT
OF HEALTH, their officers, agents,
or assigns; UMAIR A. SHAH,
JESSICA TODOROVICH, ROY
CALICA, and JOHN DOES 1-10,

Defendants.

NO.

DECLARATION OF JACOB
BROOKS IN SUPPORT OF
NOTICE OF REMOVAL

Jacob Brooks declares and states as follows:

1. I am the Washington State Assistant Attorney General for Defendants Washington Department of Health, Umair A. Shah, Jessica Todorovich, Roy Calica, and John Does 1-10, in the above entitled action, I am a member in good standing of the Washington State Bar Association, and admitted to practice before the United States District Court for the Eastern District of Washington.

1 2. Plaintiffs Erika Henry, Daniel Henry, K.H. and B.H., filed the initial
2 complaint on February 8, 2022, in the Spokane County Superior Court of
3 the State of Washington (the “State Court Action”) against Defendants
4 Washington Department of Health, Umair A. Shah, Jessica Todorovich,
5 Roy Calica, and John Does 1-10. The State Court Action was assigned
6 Cause No. 22-2-00401-32. The Summons and Complaint, were served on
7 the Attorney General’s Office in Spokane, Washington on March 1, 2022.
8 Defendant Roy Calica was served on March 7, 2022. Defendants Jessica
9 Todorovich and Umair Shah were served on March 9, 2022. *See* attachments
10 to Defendants’ Notice of Removal.

11 3. I filed a Notice of Appearance on behalf of Defendants on March 4, 2022.
12 *See* attachments to Defendants’ Notice of Removal.

13 4. I have obtained a copy of the Spokane County Superior Court file in Cause
14 No. 22-2-00401-32. The entire contents of the file are attached to
15 Defendants’ Notice of Removal.

16 5. My office has been diligently reaching out to the individually named
17 Defendants to obtain consent for the removal of this action to the United
18 States District Court for the Eastern District of Washington. To date, through
19 the attorney of record, all the Defendants, aside from the unknown John Does
20 1-10, consent to removal of this action in compliance with 28 U.S.C.
21 1446(b)(2)(A), (C). *See* attachments to Defendants’ Notice of Removal.
22

1 I declare under the penalty of perjury under the laws of the United States
2 and the State of Washington that the foregoing is true and correct.

3 DATED this 15th day of March, 2022.

4 ROBERT W. FERGUSON
5 Attorney General

6 s/ Jacob Brooks
7 JACOB E. BROOKS, WSBA No. 48720
8 Assistant Attorney General
9 Attorneys for Defendants,
10 1116 W. Riverside Avenue, Suite 100
11 Spokane, Washington 99201-1194
12 (509) 456-3123 – Telephone
13 Jake.Brooks@atg.wa.gov
14
15
16
17
18
19
20
21
22

1 **CERTIFICATE OF SERVICE**

2 I certify that I electronically filed this document with the Clerk of the Court
3 using the CM/ECF system which will send notification of such filing to the
4 following:

5 JAMES R. SWEETSER
6 MARCUS SWEETSER
7 ISAIAH T. PETERSON
8 MARSHALL CASEY
9 SWEETSER LAW OFFICE, PLLC
10 1020 N WASHINGTON
11 SPOKANE, WA 99201

12 I declare under penalty of perjury under the laws of the United States of
13 America that the foregoing is true and correct.

14 DATED this 15th day of March, 2022, at Spokane, Washington.

15 ROBERT W. FERGUSON
16 Attorney General

17 s/ Jacob Brooks
18 JACOB E. BROOKS, WSBA No. 48720
19 Assistant Attorney General
20 Attorneys for Defendants,
21 1116 W. Riverside Avenue, Suite 100
22 Spokane, Washington 99201-1194
(509) 456-3123 – Telephone
Jake.Brooks@atg.wa.gov